2:Seligman & Seligman E-5 (1909-1910) 1932
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only after this is he "the chosen of God" (*arunyi Juok*) and fit incumbent of his new office. The first ceremonial duty of the high-chief is to visit the king, who presents him with an ox, more costly presents being made to the high-chiefs of Mwom and Tonga. Every high-chief has his assistant (*tyal kwomo*), who exercises authority as occasion requires. The village chiefs are chosen by their communities, and we believe all these offices to be in the main hereditary, though further investigation is here necessary, as it is with regard to the ministerial council, mentioned by Hofmayr, whose members are selected by the king.

Fashoda—not to be confused with Kodok, the Fashoda of international fame—is the royal capital, *fa reth* ("the place of the king"), from which the king has ruled for many decades. Yet it was not always so: Father Banholzer told us that formerly each Shilluk king reigned from and was buried in his native village. Fenikang is the traditional capital of Nyakang and probably of his immediate successors. Perhaps, too, some of the early kings ruled the country from Tatuga (Doleib Hill). Tugo is said to have been the first king to live at Fashoda; whether this is correct or not, Fashoda certainly was not the *fa reth* of all the kings who succeeded him, though Nyadwai and Yur Adodit ruled the country from villages in its neighbourhood. Nyadwai lived and died at Kodok, where in 1909 we were shown the remains of the tree which according to tradition sprang from his grave; actually the association seems to have been that it stood near his dwelling and that he would often sit under it. Malakal and Walajok are also said to have been capitals in their time.

The king and his many wives live at Fashoda (Pl. V, Fig. 1). The king's dwelling when we saw it in 1910 consisted of four huts, no better built than those of his people and lacking the ostrich-egg and spear of the royal shrines. They stood well above the rest of the settlement on an artificial mound, called Anurwic (shown on Pl. VI), which may have been some ten feet high, and was said to have been built by the tenth king, Tugo.

The king observes the same marriage prohibitions as his people, even remote relatives on both sides of the family being forbidden; thus the king and all male descendants of the king must marry commoners, while daughters of the king should not marry at all, though foreign influence is, we believe, slowly modifying the old practice. Mr. Heany writes that unless the king takes a

2:Seligman & Seligman E-5 (1909-1910) 1932
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girl in compensation for some great favour shown to her father he pays bride-wealth, but he fixes the amount himself, usually double that paid by a commoner. There will, however, be no negotiation, nor would a commoner ever attempt to recover cattle of the bride-wealth that had died. The king owes no respect to mother-in-law or other relatives by marriage, who all treat him with the same reverence as do other unconnected commoners. No Shilluk woman is particularly reverential to her husband, nor would she take a beating with resigned submission, but a royal wife should kneel with bowed head to receive a whipping should the king wish to punish her. Mr. Henry informs us that one wife is always appointed head wife and is treated with great respect by all, including the king himself. She acts as intermediary between the other women and the king; she is an elderly woman, usually a widow of a previous king, and holds her appointment until displaced by the king. The king would seldom take a wife from the *aruro* unless she were an unusually attractive woman, because no son of an *aruro* can ever become king.

The king's children are never born in Fashoda. In the fourth or fifth month of her pregnancy the expectant mother is sent with attendants and cattle to some distant village, and here she remains under the protection of the chief until the child is weaned, when she may return to Fashoda. During each subsequent pregnancy she goes to a different village. The child is brought up in its native village, and the cattle that the mother brings with her are its portion. In this village he (or she) should be buried. No special conditions are required for the selection of a locality beyond the strength and discretion of the chief under whose charge the child will grow up and the presence of good grazing ground for the royal herd.[1] Every royal son is recognised as a potential king and is treated with the utmost indulgence and respect; the royal daughters also have their privileges, but are not so highly regarded. The royal daughters are not allowed to marry, it being alleged that it would not be fitting for a woman of royal birth to marry a commoner, while she could not marry a *nyiwak*, or the descendants of one, as this would be incestuous. Royal daughters may have lovers, but must not bear children. Mr. Henry informs us that they may select whom they will, *howeve*

[1] Mr. Henry considers that the reason for sending the royal wives away is that the king is ambitious for his sons and hopes that they will enter villages for themselves; if they were born in Fashoda they would have no villages of their own. Foreign wives of the king are sent to Shilluk villages in the same way as are Shilluk women.

2:Seligman & Seligman E-5 (1909-1910) 1932
FJ23 Shilluk FJ23

565 in the installation ceremonies of the king (pp. 92–6), and are also his executioners (p. 91).

Commoners are known as *ocolo*, though strictly this term may perhaps only apply to the descendants of the companions of Nyakang, [563] while the descendants of aborigines and foreigners (Nuba, etc.) are often distinguished by their names with prefix *kwa*.

Kinship, Family Life, and Marriage

601 We have referred in Chapter I to the system of relationship of the Nilotes, termed by us "descriptive". It will be remembered that the outstanding feature of the systems of all these tribes is the absence of a single word for "brother", who is always described as either "father's son" or "mother's son". The peculiar feature of the Shilluk system is the way in which it holds the balance between the individual family and the clan. As among the Dinka and Nuer, the mother is the only person to whom the term for mother is correctly applied; there is a distinct term for mother's sister, but this is not used as a form of address. The only brothers and sisters who are correctly called "mother's sons" are the mother's own children, whether by the same or a different father. But, in contradistinction to the Dinka and Nuer, among the Shilluk there are no distinct terms for father's brother and father's brother's son. The chief kinship terms will be examined separately, but here we may point out that the wide "classificatory" use of the term for father and brother (father's son) is correlated with certain Shilluk customs. The individual father is not confused with the father's brother, or clansman of the father's generation, but certain concessions are demanded from everyone to whom the term can be legitimately applied.

As a result of the system of exact description common to the Nilotes, the various kinds of cousins are distinguished linguistically. This [582] distinct nomenclature is not needed to differentiate between potential wives and women forbidden in marriage, because marriage is forbidden between all persons to whom relationship can be traced directly, whether through the father or the mother. It is, however, correlated with the customs governing inheritance and the indebtedness which follows the transfer of bride-wealth; thus, cross-cousins stand in a special relation to one another, depending on the mutual obligations

2:Seligman & Seligman E-5 (1909-1910) 1932
FJ23 Shilluk FJ23

The omissions from the "in-law" category are equally important from the woman's point of view. She does not call her husband's parents *ora*, but addresses them as though they were her own grandparents; she treats them with respect, kneels when she hands anything to her father-in-law, and turns her head away when she speaks, but there is no strict avoidance. One of our married informants had his mother living with him; she had a separate hut in his enclosure, but she and his wife could eat together if they wished.

A man calls his son's wife *kware*, grandchild; she falls into the category of wives of a clansman with whom sexual intercourse is inadmissable, and no doubt the ceremonial behaviour observed between grandchildren and grandparents is also followed between a man and his son's wife. It has been noted before that a woman uses terms to her husband's relatives that she would use to her own relatives of a generation older, and the custom of consorting with the husband's son and being inherited by him has been suggested as a reason for this.

We have seen that there are certain other women who are treated in the same ceremonial manner as are the *ora*; these are wives of relatives, some, but not all, of whom are clansmen (see p. 61). These women fall into sharp contrast with those other women (wives of clansmen, the *wu* and the *awu*) with whom connection is permitted during the life of the husband and who may possibly be inherited after his death.

Young people are free to marry the partner of their choice so long as clan exogamy is observed and no genealogical relationship can be traced on the mother's side. Every Shilluk youth is interested in the marriage of his sister and of his father's sister's daughter, for he receives cattle from their bride-wealth and without cattle he cannot himself marry; it is true that his father and his father's sister will assist him to collect cattle for his bride-wealth, but how can they get these except from the marriage of their daughters? A father who used his cattle to marry extra wives while his own sons remained unmarried would be regarded generally with disfavour. The breaking of a marriage—divorce—means the return of cattle to the bridegroom, a difficult matter, as though the bride-wealth is paid to one man, the bride's father or brother, it is immediately distributed and may soon play its part in another's marriage. Thus a man has every reason to desire his sister's marriage to be stable. Yet, in the rules of behaviour that are customary between persons

2:Seligman & Seligman E-5 (1909-1910) 1932
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581 The girl's choice of a husband is undoubtedly influenced by the amount of bride-wealth that the young man is able to provide, and her relatives—father, brothers, and the *na*—will try to dissuade her from a poor marriage. Public opinion would, however, be against forcing a girl to take a repugnant partner for the sake of the cattle.

582 The provision of the bride-wealth prevents very early marriage, and men do not appear to marry under about twenty years of age.

584 After the bride-wealth has been arranged the young people go to the house of the girl's father. The latter brings a goat into the enclosure and the father of the prospective bridegroom cuts an ear from the animal and binds it to the girl's ankle, when all pray to Nyakang and possibly also to Juok. For some time before the marriage the prospective bridegroom begins to provide fish for his future parents-in-law; he will bring fish every day, and only if the catch is large will he keep any for himself. If he gets on well with his parents-in-law he may continue to do this for a long time after marriage, though he is not bound to do so.

585 The wedding feast takes place at the house of the bride's father, after the whole bride-wealth has been handed over. Much beer is prepared and if the father can afford it a bull is killed. Dancing and feasting may last three days. The couple then go to live in the husband's village, where he has already built a house with the aid of his friends—presumably his age mates. No marriage was celebrated during our stay in the Shilluk country, but from our informants we gathered that the time of the actual consummation of marriage was not a matter of great importance, and that this has usually taken place before the marriage feast, which merely marks the fact that the girl leaves her father's house. We concluded that the usual practice was for intercourse to begin, if the girl was old enough, after a fair proportion of the bride-wealth had been given—one informant said seven cows, another six. The man would come to his betrothed's village and send a friend to fetch her away from her father's house, when they would spend the night in some other house in the village. The transfer of the bride-wealth might take two years or more, the first instalment consisting of two cows.

591 476 561 584 836

585 Hofmayr describes a ceremony when the concluding ox of the bride-wealth is handed over. The ox is decorated, and the bridegroom and the young people of both sexes from his village accompany it to the bride's village. Here a mock battle takes place and the bride's friends eventually seize the ox. The bridegroom and his companions

2:Seligman & Seligman E-5 (1909-1910) 1932
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584 had been handed over. When she grew up her father wished to arrange another marriage for her, but was obliged to repay the cow.

586 Mr. Heasty sent the following information concerning the disposal of children after divorce. If the bride-wealth is not returned the children will remain with their father, but if it is returned—and this really constitutes divorce—the husband has to give up the children. The new husband who provides the bride-wealth will take the children and they will become members of his *kwa*. When such lads grow [593] up the true father will often entice them back; this is becoming a common practice, but was formerly confined to members of the *kwareth*.

848 The position of children born out of wedlock shows the same principle as is seen in the treatment of children after divorce, viz. the importance of the bride-wealth in establishing sociological fatherhood, physiological fatherhood having no legal importance. If a girl has one child before marriage the child belongs to the husband who provides the bride-wealth, which would be the same as if she had no child. But if she has two children then her father would keep them, they would be members of his *kwa* and he would accept less bride-wealth. This, however, seldom happens, as girls are usually betrothed as soon as they reach puberty.

684 The fine for adultery was said to be seven head of cattle—four cows and three bulls—but the number varied, and it may be supposed that the adultery fine would be less than the bride-wealth; three cows and one bull seem a usual fine. Mr. Heasty states that if a girl who is betrothed becomes pregnant by another man the lover will pay seven head of cattle to the father, but the child will belong to her future husband, who has provided the bride-wealth. Unconfessed adultery was said to cause the death of the child.

A fine is paid for seduction, but it seems that many cases that come up for judgment are really those in which a girl betrothed to another man willingly goes to a lover. It must then be decided whether the latter pays a fine or provides bride-wealth and marries the girl.

515 There is no objection to a man marrying two or more sisters, but, unless the second sister is taken in place of the first because the latter has proved barren, full bride-wealth must pass for each.

766 Hofmayr states that if a man of importance dies between the time
● 582 of betrothal and marriage a ceremony having as its object the provision

2:Seligman & Seligman E-5 (1909-1910) 1932
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of a wife to the deceased will take place at the grave-side. After this the woman is considered as related to the dead man's family. Later she will really marry, but no statement is made as to whether cattle are exchanged at the grave-side marriage.[1]

A Shilluk may have intercourse with the wife of any man whom he calls *uwa*, that is to say, his own brother by another mother, his father's brother's son, or his clansmen of his own generation. He may claim the same privilege from the wives of his own father (except his mother) and of all those men whom he addresses as *wa*. A father will know that his son is consorting with his wife, and will go to another hut and say nothing about it. The attitude of our informants could be expressed thus: "Why should the father object? Surely it is better that his son should do this than go to other women, when he would be obliged to pay the fine for adultery?"

With regard to access to the wife of an *uwa*, a young married man said that if he found that an *uwa* had been to his wife while he was away he might feel very angry, there might be bad talk, but that would be all. The chief would say to him, "He is your *uwa*. It is all right." And he would accept this, whereas if it had been a stranger he would try to spear him. A young unmarried man who was exercising his rights towards the wife of his *uwa* (actually his father's brother's son) said that his *uwa* (the husband) knew, and that he made no objection and was friendly towards him. A child of such a union always belonged to the woman's husband, and any idea of it belonging to the wife's lover was ridiculed.

Any attempt towards intimacy with the wives of *uma*, *umia*, *una*, *oka* or *kwa* would be considered worse than adultery, and it was believed that the partners in guilt would die. Mr. Heasty states that intercourse with the wife of an *ora* would be looked upon in the same way.

About the sixth month of pregnancy a wife leaves her husband —for intercourse should now cease—and returns to her parents' house, where her child is born. Hofmayr states that both husband and wife are "unclean" until a few days after the birth of the child,[2] while Westermann notes that it is considered shameful for a woman to conceive during lactation;[3] if such a thing occurs it is usually supposed to be due to adultery, presumably because conduct leading

[1] Op. cit., 293.
[2] Op. cit., 271. A pregnant woman is distinctly dangerous; we heard of the death of a child, already ill, whose death was attributed to the visit of a pregnant woman to the house.
[3] Op. cit., xxiii.

3:Westermann E-5 (1910) 1912 FJ23 Shilluk FJ23

III. FAMILY LIFE.

When a young man wants to marry, he himself asks the girl he has selected; if she assents, she directs her lover to her parents and the old people of the village; if these also do not object, they ask him to bring the dowry, which consists of cattle. From four to six head of oxen and one milch cow is the ordinary price for a woman, besides a number of sheep and goats. But the whole of this dowry is in most cases not paid to the father-in-law at once, before the marriage takes place. One ox is paid to the elders of the village when they arrange the marriage business, one or more at the celebration of the marriage, another when the first child is born. The ox which is slaughtered at the marriage festival is driven to the village of the bride by all the young men of the bridegroom's village. They decorate this ox by tying tassels of cows' tails on the top of the horns. In case the horns have not a good shape for tying these tassels, they are pierced and the tassels are fastened in the holes. A young man in buying an ox is always particular about the shape of the horns for this reason. On the marriage festival vide page 109. — A man cannot reach a social position without being married, and he cannot get a wife without cattle; so every young Shilluk's highest ambition consists in procuring cattle in order to buy a wife. But, as already mentioned, they usually marry before the full dowry is paid, and in such a case the debts of the young husband may become the source of quarrels between husband and wife, and still more between husband and father-in-law. As long as the price is not paid, the father has a legal right to take his daughter back from her husband; but this, though often threatened, is seldom done. Those who have sufficient means will as a rule not be satisfied with one wife, but marry a second and a third; only a very few exceed this number.

MARRIAGE

A young man may not marry a girl from his own division or clan, (vide page 127 ff.) but from any other division; the girl may live in the same village or in any other village, but they prefer to marry in a distant village. These marriage laws are a well established tribal custom, and people fear to break them, lest death follow marriage.

The position of the woman is no doubt a higher one than with most Mohammedan peoples of the Sudan. She is generally well treated and is shown remarkable respect. The women sometimes take part in public assemblies with the men, discuss the affairs that interest them and partake in dances and religious ceremonies. Even in their war-dances the women play an active *rôle*, vide page XXXIX. — If refractory or lazy, the man may give his wife a thrasing with a rope.

POSITION OF WOMEN

(c) *Nyareth* - The son of a *Nyireth*. 565
(d) *Kwanyireth* - The grandson of a *Nyireth*. 614

In some regions the members of the royal clan have become more numerous than commoners and have supplanted them in the chieftainship of the settlements. This has been possible because the members of the royal clan are richer and tend to marry more wives, and also because of the system whereby the offspring of a *reth* are planted out in various settlements away from Fashoda. When one of the *reth*'s wives is about to give birth to a child she leaves Fashoda and goes to her own village. As soon as the *nyireth* is weaned he is placed in charge of some trustworthy settlement chief, often the mother's brother, and is brought up among his mother's people. When the child grows up and marries he builds a separate hamlet called *pa nyireth* (unless he is called on to become *reth*), and thus becomes the founder of a local lineage branch of the royal clan which may eventually grow powerful enough to overthrow the dominant lineage and assume the political aspects of its position in the settlement. 644 644 614 591 565

Daughters of a *reth* are not allowed to marry and therefore cannot start lineages which would count as sister's sons to the royal house. 644 582

The Ororo

This clan is separate from the royal clan and consists of the descendants of a disinherited branch. They are few in number and may intermarry with the royal clan. It is said that the *reth* still has the right to disinherit lineages of the royal clan but, apart from one traditional instance, it is not certain whether the right has been exercised. The *ororo* are indistinguishable from the commoner clans except for the special functions they perform for the *reth* at his investiture and at the time of his funeral. Traditionally, the *ororo* always smother the *reth* when he is ritually killed. The *reth* always takes some of his wives from the *ororo*. 565 614 643

The Bang Reth

The *bang reth* are the personal attendants of the *reth*. Originally they were captives from other tribes but later, volunteers from the commoner clans in Shillukland, if they were poverty stricken, might leave their own clans and become the *reth*'s retainers. In return for receiving cattle to marry with, they tended animals, engaged in building and cultivation and performed all the duties connected with the upkeep of the royal household. Apart from these and their descendants, the *bang reth* also included all those who were enslaved because their brothers were homicides and those who became possessed by the spirit of Nyikang. 565 644 727 735 567 672

The *bang reth* are a fictitious clan; they cannot intermarry even though there is often no blood relationship among them. The *reth* never marries into the *bang reth* clan and, as an indication of the impossibility of this, he calls the daughter of a retainer *kwaro*, 'my grand-daughter'. 565 614 608 644

The *bang reth* live in a hamlet of their own near the capital in which the *reth* resides. When he dies they, together with his elderly widows, go and live near his shrine and look after it. When a *nyireth* is planted out, his father sends some of his retainers to live with him; these become *bang* 565 644 614

having a great number of local branches, or lineages, spread throughout Shillukland, and there are no periodic reunions.

Members of a lineage are bound not only by kinship ties but also by ties arising through occupation of the same territory. The lineage is an effective political and social unit. A person generally thinks in terms of his localised lineage and refers most often to the founder of his lineage in the district occupied. In relation to members of lineages of other clans, however, reference is most likely to be made to the founding ancestor of a person's clan. As previously mentioned, the occupants of a settlement belong to a collection of independent lineages which graft themselves onto the genealogical structure of the dominant lineage through marriage with its female members.

INHERITANCE

Only the smallest lineage unit is of any importance in the inheritance of property. Pumphrey states that there are no definite rules for the inheritance of chattels.(1) If distribution has not been made before death they are usually taken by the eldest son, or by the next of kin where there are no sons. Cattle are taken by the succeeding *gol* leader, either a married son or a married brother. He cannot do exactly as he likes with them for he inherits certain traditional obligations. He has the moral obligation to use his herds for providing bridewealth to enable the male members of the *gol* to marry, in order of seniority, and it is considered wrong for a *gol* leader to marry a second time himself while there are men of his *gol* still unmarried and requiring cattle. The *gol* leader is also responsible for paying compensation in cattle for any wrong which has been committed by one of his household. Finally, it is recognised that no cattle of the family herds should be sold except in times of famine and to purchase grain. Pumphrey states that a breach of these terms of trust would "be universally censured but would probably not be interfered with by the courts."(2)

Uncultivated land belongs to anyone who settles on it.

MARRIAGE

The Shilluk are polygynous; a wealthy and influential man has three or four wives, while members of the *kwareth* may have several more. Marriage is forbidden with any member of one's father's clan and between all persons in respect of whom relationship, either through the father or mother, could be traced directly. Apart from these obstacles it appears that freedom of choice is generally allowed to both sexes in matrimonial matters.

Bridewealth

Bridewealth consists of ten head of cattle and sheep and spears. In addition the suitor makes small gifts and performs services to win the favour of his future father- and mother-in-law. Bridewealth discussions and arguments proceed between representatives appointed by the suitor's *gol* and by the girl's gol.

(1) Pumphrey, *S.N.R.* 1941, Vol.XXIV, p.24.
(2) *Ibid.*, p.23.

but the usual fine for making another man's wife pregnant consists of three cows and one bull; if pregnancy does not result the fine is two head of cattle. Fines for seduction are paid to the girl's father and vary from one to three head of cattle according to whether or not the girl is made pregnant. If a woman has committed adultery, she confesses it at the time of childbirth; her husband then exacts the appropriate fines from the men concerned.

If children have been born outside marriage the eventual husband may take them over and will pay extra bridewealth cattle. Failing this, they are brought up in the *gol* of their maternal uncle and belong to his clan. He will receive the bridewealth paid on the marriage of the girls.(1)

Widow Inheritance

According to Westermann widows are inherited by the brothers of the dead husband or by his sons, who take the wives who are not their own mothers. He then adds that, if children are begotten from these wives, they belong to the family of the dead man and "they are like his own children."(2) This custom of raising up seed to the name of the dead man is general among the Nilotic tribal groups.

KINSHIP AND KINSHIP TERMINOLOGY

Ora

The in-law relationship of *ora* has been commented on by Seligman and Pumphrey. It appears to have two particular applications, being used in a narrow and in a wider sense.

A man describes as *ora* all his wife's kinsmen and, strictly, all the kinsmen of the wives of the men of his own generation belonging to his own clan. This extension may be because he is allowed, at any rate in theory, to have access to the wives of such clansmen and temporarily takes over the in-law relationship with their parents. During the first years of marriage the members of the husband's *gol* have to respect and to avoid the members of the wife's *gol*. Pumphrey suggests that the basic reason for this is that the initial period of marriage is an unstable one and friction is gradually resolved as the bridewealth is paid off and children are born. To avoid friction the husband does not speak to his *ora* and meets them as little as possible.

In a wider sense the *ora* tie is connected with certain sex taboos. The breach of these taboos is believed to cause *dwalo* sickness, a form of illness believed to affect both mother and child who will die unless the man who induced the mother to break the taboo will split a gourd in two and sacrifice a sheep.(3) There are certain *ora* relationships between lineages and one lineage will be *ora* to another. Thus, if men of lineage A have married women of lineage B, C and D, there are *ora* relationships between A and B; A and C; A and D. In such a case no men of lineages B, C and D

(1) Pumphrey, *S.N.R.* 1941, Vol.XIV, pp.34-5.
(2) Westermann, *The Shilluk People*, 1912, p.114.
(3) Pumphrey, *S.N.R.* 1941, Vol.XIV, p.29.

582 613 836 could marry women from lineage A as this would prevent the correct working of the relationship of avoidance and would confuse the situation. Each lineage therefore develops a tendency to marry women of some other specific lineage,(1) but this is a traditional convention only and not compulsory.

In addition to the ordinary *ora* relationship between two lineages it is dangerous for a man to have sexual relations with a member of a lineage which is *ora* in the second degree. B, C and D may have an *ora* relationship, through customary intermarriage, with other lineages, E, F, G and H. If a man of lineage A seduced a girl of lineage E then all the men of lineage B would be offended, since they regard marriage with girls of E as their prerogative, and there is an *ora* relationship between the two 753 lineages as there is through A and B. *Dwalo* sickness would result from the offence in the same way as if a man had relations with a woman who was a blood relation.

Terminology

601 Pumphrey gives a list of Shilluk kinship terms,(2) among which may be noted the absence of any single word for brother, such a kinsman being described as father's son or mother's son. The Shilluk kinship terms used to describe members of the immediate family are extended to others of the same generation, and from this descriptive terminology a classificatory system is formed.

RITUAL AND OTHER CULTURAL FEATURES

771 There are three major aspects of Shilluk belief and ritual; the recognition and worship of Juok, the cult of Nyikang and the kings in whom he has been reincarnated, and the cult of the ancestral spirits. In addition there are less important beliefs such as the belief in the spirits of the bush and river.

JUOK

776 The concept of Juok is found in many of the Nilotic tribal groups although beliefs concerning it vary. Among the Shilluk Juok refers to a 771 spirit which is universal, formless and invisible like the air. Juok is above Nyikang and men though he is approached principally through Nyikang. The Shilluk perform sacrifices to Nyikang which cause him to move Juok to 782 send rain, to prevent misfortune, remove sickness and so forth. Juok is so linked to Nyikang that he is seldom approached in prayer without mention of the latter as intercessor. Juok is vaguely associated with the firmament and is recognised as creator though he is believed to show little interest in men owing to his greatness which is so far above them.

Hofmayr(3) states that the Shilluk put adjectives to the word Juok in order to bring out one or other of his attributes:

(1) Pumphrey, *S.N.R.* 1941, Vol.XXIV, p.30. (2) *Ibid.*, pp.37-9.
(3) Hofmayr, *Die Schilluk*, 1925, pp.186-7 and p.193.

8:Howell E-4,5 (1937, 1948) 1953 FJ23 Shilluk FJ23

in the courts are of a kind which in the past were mere matters of convention and usage and could not be defined as law even in the most extended definition of that term. The tendency is for the most intimate personal relationships to be governed by legal processes. This is a feature of the Nilotic world under the influence of modern administration which, while present among the Shilluk, is even more marked among Nuer and Dinka. There is a danger in this, because intervention in almost every sphere of human activity may tend to inhibit the normal readjustments which might otherwise naturally emerge to meet changing conditions. It is therefore all the more necessary to record something of present practice for comparison in later years.

The vast majority of cases which appear before the courts concern kinship obligations, marital relationships and the violation of rights in women. This article is therefore largely a description of the normal processes of marriage: the payment and distribution of bridewealth, divorce, and the infringement of legal rights in women. It is also in the nature of a commentary on previous articles published by Mr. M. E. C. Pumphrey and myself[1] on the subject of kinship and social organization among the Shilluk. From time to time reference is made to Nuer and Dinka institutions by way of comparison.[2] A few examples of actual disputes as heard and recorded in the Shilluk Courts are given in the text.

Shilluk Social Structure

Shilluk society is divided into 'provinces', 'divisions' (*lak*), and 'settlements' (*padi*). These are territorial and political segments, but it is really only the settlement which has any permanent political significance. Each settlement has a common territory, the boundaries of which run at approximately right angles to the river. Such territory includes a section of the highland ridge which runs roughly parallel to the Nile and on which the permanent dwelling-houses and cattle-byres are built; a section of the river front (*toic*) which provides green grazing for the cattle when the river drops, and finally a more extensive section of the hinterland (*wak*) which is subjected to varying degrees of rain-flooding during the wet season but is dry and waterless for the rest of the year. Each type of land is essential for pastoral and agricultural activities according to the season, and the territorial segmentation of Shilluk country could not be arranged otherwise.

A settlement is an economic, political, and social unit, but is not a kinship unit since it contains representative lineages of several of the many Shilluk clans. Within the settlement there is, however, a tendency—not always effective for purely topographical reasons—for each lineage to occupy its own 'village'. Each village (*pur*) is made up of a number of 'hamlets' (also *pur*: pl. *nyer*) which comprise several domestic units (*gol*), each such unit consisting of a group of dwelling-huts (*ot*) occupied by a man, his wives, and children. The village is therefore also a kinship unit and, as a general rule, the closer the territorial proximity, the closer the kinship relationship. Clans (described by giving the name of the founder with the suffix *kwa*, meaning 'descendants of') are patrilineal descent groups which are theoretically exogamous, though separation in space, coupled with considerable distance of relationship within the kinship structure, may allow modifications of this rule. The

[1] *Sudan Notes and Records*, vol. xxiv, 1941.

[2] The reader may consult the works of Professor Evans-Pritchard on the Nuer. The Dinka are less well documented.

8:Howell E-4,5 (1937, 1948) 1953 FJ23 Shilluk FJ23

localized lineage within one settlement is certainly exogamous and there is also a bar to marriage into the maternal lineage. The clan, widely distributed in minor branches throughout Shilluk country, does not function as a corporate unit except at times of national festivals and then only in the sphere of ceremonial and ritual.

Marriage and Marriage Laws

As with the Nuer and Dinka, marriage among the Shilluk is achieved by the performance of recognized social procedures and the payment of bridewealth in the form of cattle, sheep, and goats. Nowadays, cash may be paid in addition to or in lieu of cattle, but not frequently and not in large sums.[1] It must be emphasized from the start that the Shilluk do not possess anything like the number of cattle owned by the Nuer and Dinka,[2] and for this reason alone the number of beasts paid as bridewealth is lower. Among the Nuer and Dinka the average ranges from fifteen to forty head of cattle according to the prevailing condition of the herds. Among the Shilluk the number is fixed at ten head, and although there have been times when few Shilluk were able to pay this number, it has been retained rigidly for several generations despite attempts by the Administration to reduce it. With sheep and goats, which are paid in addition but do not have the same significance, there is no such rigidity. The number of these seems to vary according to the attractions of the bride, though prevailing economic conditions doubtless play their part.

There is much to be found on the subject of marriage in the writings of Hofmayr, Westermann, and Seligman,[3] though many statements are misleading. This summary account of Shilluk marriage laws is based largely on the writings, both published and unpublished, of M. F. C. Pumphrey[4] who not only took into account previous literature but, as an administrator in Shilluk country for several years, had better opportunities to investigate the legal aspect of the subject. These are supplemented by my own direct observations.[5]

The Social Processes and Legality of Marriage

Pumphrey says:[6]

> The marriage tie creates an obligation to pay cattle, but it is not created by or dependent upon such payment. To render a union a marriage only two things are essential. First there must be no positive barrier (such as known consanguinity between the parties . . .) and secondly there must be an offer and an acceptance. The offer and acceptance are symbolized by the man offering the woman's *gat*[7] a sheep (*dyel dhok*). Acceptance of this sheep signifies acceptance of the suitor. The marriage is then complete.'

This transaction, which is limited to the immediate family of the parties to the marriage, is followed by *tieng mogho* (the brewing of beer) and a wedding dance (*mogho thiok*) to which many persons are invited and which therefore serves to make the union widely known. It is not, however, strictly correct to say that the marriage is,

[1] The tendency to use cash in lieu of cattle is apparently increasing.

[2] Ratio of human to cattle population: Shilluk 1:10·85; Nuer 1:18·3 (highest recorded).

[3] See Bibliography of the Shilluk, given in a previous article (*Africa*, vol. x).

[4] Pumphrey, 'The Shilluk Tribe', *S.N.R.*, vol. xxiv, 1941.

[5] Based on field work carried out in 1937 and on an investigation and analysis of the marriages of one Shilluk lineage carried out in 1948. The results are to be published later.

[6] Family group and legal guardians.

[7] Pumphrey, *op. cit.*, p. 23.

of the bride. Among the Shilluk no such obligation exists except in the form of a recognized debt, nowadays enforceable in the Courts, which is dependent on the number of cattle which remain outstanding in the bridewealth of the bride's mother.

Thus, in the diagram, from the bridewealth paid by *E* for *A*, no portion will be set aside for *C*, unless the full bridewealth of ten head of cattle was not paid by *D* on his marriage to *B*. Since few Shilluk can afford to hand over ten head of cattle at once, and because there have been periods when there were few cattle to pay, this is the source of much litigation in the courts. At the same time, such debts are not carried forward a further generation. Thus *C* could not claim cattle outstanding from *B*'s marriage on the marriage of *F*, though *H* might do so from the marriage of *A* to *E*.

The pattern of distribution among paternal kinsmen of the bride is relatively simple, which is perhaps natural when bridewealth stands at so low a figure. If alive, the bride's father's father should receive one cow (which would go to his sons by another wife); the bride's father's brothers (her paternal uncles) and even his half-brothers are also entitled to a share. Speaking in conventional terms only, Shilluk say that where a full brother (uterine) gets two cows, a half-brother only gets one. In fact none of them are likely to get anything more than a sheep or a goat, for if a man has many brothers and half-brothers there would be little or no cattle left for the bride's father or his sons. Distribution is usually dictated by circumstances prior to the marriage and the pattern of previous bridewealth distributions which create reciprocal rights. From an analysis of some fifty Shilluk marriages, my impression is that this form of distribution is quoted as a convention only and is rarely if ever followed now. As among other Nilotes, uterine and half-brothers within one domestic group are expected to marry in strict order of age. A man will generally expect to marry with the cattle brought in by the marriage of his younger uterine sister, if he has one, and, after any deductions which may be necessary to complete the bridewealth payments of the bride's mother and the fulfilment of other debts which may be pressing, he will probably get all the remaining cattle. Though large numbers of sheep and goats[1] are brought in by the marriage, these are not distributed among the bride's paternal kinsmen according to definite claims, nor are they regarded as paid to meet claims which could be interpreted as a survival from times when the

[1] The average seems to be somewhere between fifteen and thirty.

8:Howell E-4.5 (1937, 1948) 1953 FJ23 Shilluk FJ23

Shilluk were perhaps more prosperous cattle-owners and the rates of bridewealth were higher.

There is in fact no evidence that the number of cattle paid as bridewealth was ever higher than ten, though it may have been so in the era preceding Turkish times. During the *Mahdia*, and for some time after, when the Shilluk had even less cattle than they have now, the transfer of more than two head as bridewealth seems to have been exceptional. But in the more prosperous period which followed, when cattle increased, there was an aftermath of claims dating back to marriages contracted at an earlier date. Some of these claims were upheld in the Courts established by the Government; a procedure which no doubt fostered the belief that the rate of ten head of cattle was unalterable and amounted to the enforcement of obligations which would not otherwise have been honoured. Latterly, the Administration has made attempts to reduce the bridewealth rate. At times in recent years, presumably after epidemics which have sometimes nearly halved the cattle population in the course of twelve months, ten head of cattle as bridewealth has been excessive, with varying results all naturally considered undesirable by the Administration. First, there has been a marked increase in litigation over bridewealth claims. Young men, having started the processes of marriage and made some initial payments of cattle, have then absconded with their brides and refused to honour further obligations. Second, since suitable husbands with sufficient cattle are not to be found, Shilluk girls, unable to marry the men of their choice, in an age when some degree of emancipation has been the result of alien government, tend to drift into the towns as concubines and prostitutes.[1] This process has an equally undesirable corollary. The young men, unable to marry, are more inclined to illicit love affairs, with the result that adultery has increased with a consequent rise in litigation. Finally, the Shilluk have taken to marrying their daughters to Nuer or Dinka who are easily able to find the ten head of cattle required. This process, though not necessarily undesirable in itself, has the effect of aggravating the position, because Shilluk men find it even harder to acquire wives. Without this absorption of Shilluk girls by intermarriage with other tribes or by the process of detribalization, their guardians might be prepared to accept smaller numbers of cattle as they undoubtedly did during the impoverished times of the *Mahdia*.

There have been many discussions, recorded in Government files, of the necessity for reducing the amount of bridewealth and it is clear that Shilluk chiefs and notables have themselves been acutely aware of the need to do so. Yet, despite resolutions made at Shilluk Council meetings, no alteration has in fact occurred.

Divorce and the Dissolution of Marriage

Divorce laws among the Shilluk are, in principle though not in detail, similar to those current among other Nilotic tribes. We must here distinguish between what may be called "active divorce", when both parties are still living, and "dissolution of legal union", which sometimes follows the death of a wife.

[1] Encouraged perhaps by the removal of customary deterrents. The 1926 meeting of the Shilluk Council (1931) records: "Chiefs are warned that the following customary" punishments "for a woman are forbidden and will be followed by imprisonment:
(a) Tying her up in a net and half drowning her.
(b) Tying her up outside as night for the mosquitoes to bite her.
(c) Smoking her in a closed up house.
(d) Sticking thorns up her finger nails.
The Government does not object to the lawful [illegible] of a woman or a girl giving her non-native [illegible] with the idea of his hand, or a light whip, but beating with a rod is also forbidden."

8:Howell E-4,5 (1937, 1948) 1953 FJ23 Shilluk FJ23

thiep

One other offence which is recognized by the Shilluk and is also known to Nuer and Dinka is *thiep*. This refers to fornication with a woman who is pregnant or lactating. Should the woman abort the child, or the child die subsequently, four head of cattle are claimed. This applies, of course, only to married women and in effect means that a man must pay four head of cattle for adultery where in other circumstances he would only pay two.

Sexual Offences Concerning Female epiwiik

It is a rigid rule among the Shilluk that no female *epiwiik*[1] may marry or indeed have sexual relations with any man. It is possible that in the past they were more strictly guarded and deterrents in the form of severe punishment were more rigidly applied. Seligman says,

> . . . the daughters of a king must remain unmarried, the alleged reason for this being that it is unbecoming that the daughter of a king should marry a commoner, while she could not marry a *nimer* (king's son) since this would be incest. The prohibition of marriage does not, however, extend to all intercourse; a king's daughter is allowed to select lovers as she chooses, and nothing is said so long as it is not publicly known that she has become pregnant; but if this were discovered she would be killed, as would also the man responsible for her condition. This rule, which until recently appears to have been sternly carried out, led to frequent production of abortion.[2]

This rule is still insisted on by the *reth*, though clearly it is ineffective nowadays since *epiwiik* have become something of a problem to the Administration. Writing in 1946, Thomson says that female *epiwiik* can be divided into two classes: (*a*) those who cohabit with Police and 'Malakia' (detribalized urban elements) and (*b*) those who live in Shilluk country.

> The former class appears to be numerous, and has gained notoriety owing to its pursuing its trade largely in Malakal. I believe it forms a small minority of female *epiwiik*. Some of them live faithfully with their unmarried husbands, others are mere flighty and others again are prostitutes. As long as these *epiwiik* remain in Malakal or Kodok they are merely objectionable on moral grounds.
>
> The latter class is a menace to tribal society. Their habits are similar to the female *epiwiik* who connect with ' Malakia ', but in this case the ' husband ', being of Shilluk blood, feels bound by tribal custom and its distortions. The tribal custom appears to be that the first time a female *epiwiik* becomes pregnant the lover has to pay ten head of cattle (*kwor*) to the *reth*. In the old days it was held to be a disgrace for a female *epiwiik* to give birth and abortion was frequently practised. The ten head of cattle to the *reth* would not be objectionable, if it could be looked on as bride-price (which it is not). If this were so, the *reth* would have a personal interest in the fidelity of the *epiwiik*, as the bride-price would, of course, be returnable on divorce. It would be right that this bride-price should go to the *reth* as being either father of the girl or in loco parentis.
>
> This custom has, I think, largely fallen into contempt and I doubt whether the number of cattle reaching Fashoda amounts to very much. This does not mean that the lot of the

[1] *Nyiwiik, daughter or son of a reth.*

[2] Seligman, e.g. ' The Cult of Nyakang and the Divine Kings of the Shilluk '. *Report of the Wellcome Tropical Research Laboratories, Khartoum, 1911, p. 216.*

9:Howell E-5 (1937-1950) 1952 FJ23 Shilluk FJ23

year round and only the youths go to the cattle camps in the riverain pastures, which are never more than a few miles from their villages. The Shilluk are not a pastoral people in the sense that the Nuer and Dinka are, and rely to a much greater extent on agricultural products and on fish, for they are skilled and experienced fishermen. Since their migration to their present territory, it is probable that they have never had a very large cattle population, for their riverain pasture is not extensive.[1]

Shilluk clans[2] are not territorial in basis for they are highly segmented and widely distributed throughout the settlements of Shilluk country; as corporate units they have no real significance except at times of national festivals, and then only in the sphere of ritual and ceremony.

The Shilluk are divided into four main classes or groups of clans:

(i) The *dwonit*: the royal house, who trace descent from Nyikang and from whom the *reth* of the Shilluk is chosen.

(ii) The *nwor*: a disinherited branch of the royal house who do not differ from commoners except in the special functions they perform at the installation of the *reth*, during his lifetime, and at his death. They are a distinct exogamous clan, though they may intermarry with the *dwonit* despite common ancestry.

(iii) The *colo*: the name refers collectively to the main body of the Shilluk clans of which a large number trace descent patrilineally from (*a*) the original followers of Nyikang, (*b*) individuals of other tribes who have migrated and settled in Shilluk country from early times onwards, and (*c*) ancestors who are lost in antiquity, but who may have occupied Shilluk country before the arrival of Nyikang.

(iv) The *bang reth*: the personal attendants of the *reth*, his wives or wives of past *reths*; the descendants of royal slaves obtained by capture; those who volunteer to serve him by reason of their possession by the spirit of Nyikang,[3] and paupers who volunteer for this form of service in order to exist at all. Finally, there are the alleged descendants of those who were enslaved because their close kinsmen committed homicide, though this statement must be examined more critically later.

There are no real caste distinctions between *dwonit*, *nwor*, *colo*, and *bang reth* and, apart from restrictions on the marriages of daughters of a living or past *reth*, they intermarry freely. The *dwonit*, however, by reason of their connexion with Nyikang and subsequent *reths*, are treated with special respect and this extends to those *bang reth* who have close association with the shrines of Nyikang or of dead kings. The Shilluk basic social structure is very similar to that of the Nuer and Dinka, though there are important differences. The segmentation of the population into territorial units and of the clans into localized lineages has, however, a greater permanency and stability. The distinctive feature of the Shilluk political structure is the existence of an established and theoretically omnipotent monarchy and it is in the political sphere

[1] An accurate census taken during the veterinary campaign against rinderpest in 1928 gave a figure of 115,000. This was after a very serious epidemic in 1918 and it may be assumed that they had lost at least 50 per cent. of their cattle. A human census, accurate to any rate within 15 per cent., gives a population figure of 210,000. The ratio of human population to cattle population is therefore between 1:0·5 and 1:0·25. Cf. Nuer where highest ratio given is 1:0·5 and the lowest 1:0·3.

[2] *Kwor*: Literally "descendants of", preceding the name of the clan, "Kwo Okelo"—the descendants of Okelo—and so on.

[3] Often now attendants at the many shrines of Nyikang.

9:Howell E-5 (1937-1950) 1952 F323 Shilluk F323

that the most definite answers may be found. Whether this established and institutionalized monarchy is the result of diffusion from elsewhere, a legacy from ancient Egypt,[1] or the result of spontaneous development from the politico-religious functionaries who exist in embryo form among other Shilluk-speaking[2] and, indeed, other Nilotic peoples, is a controversial subject which I do not propose to discuss here.

Territorially, Shilluk country is divided into two provinces, within which are the northern and southern provinces of Manmo and Tweg, eleven divisions, and finally each division into a number of settlements which are referred to as *path*.[3] The settlement is the largest political unit which has a permanent and stable function in Shilluk society today.[4] The members occupy a common and clearly defined territory, have a common grazing and fishing area held collectively, a common name, and a common system of age-set nomenclature.[5] Within each settlement are a number of villages or hamlets, each of which, with its offshoots, is occupied by a distinct kinship group, the local lineage of one of the main Shilluk clans. One of these lineages is usually dominant and, though it does not give its name to the settlement, its leader is generally recognized as holding some authority over the rest of the community. In each settlement there are also usually representative lineages of *dwonh* who sometimes, but not always, have assumed a position of dominance within that settlement, usually by force of numbers. There are also *bang reth* living in close association with *dwonh* or tending one or more of the numerous royal shrines.[6]

There are frequent movements and migrations, both of individuals and of small domestic groups. The persons who thus take up residence in other parts of the country retain links with kinsmen in their original home and these links continue for a period. The number of generations which pass before they are forgotten is indeterminate and variable, but the factor of territorial association is an important one. Lineages of one clan living in one area are likely to retain these links and remain bound by rules of exogamy however far removed they may be in the kinship structure. Moreover, common residence in one village area or even one settlement may create bonds which are equal in strength to kinship ties and may even carry with it a bar to intermarriage. In such circumstances there is usually the fiction of common descent through the female line. Among the Shilluk there is a bar to marriage with close relatives on the maternal side carried to three or four generations, but common residence sometimes creates a more permanent prohibition.

[1] See Seligman, C. G., *Egypt and Negro Africa*, George Routledge & Sons, 1934, p. 60.

[2] For example, the Anuak neighbors, see Evans-Pritchard, *The Political System of the Anuak of the Anglo-Egyptian Sudan*, Monographs on Social Anthropology, London School of Economics, 1940; and Hofmayr, J. H., *The Lango*.

[3] *path*. I have checked and rechecked my data on this point and I am satisfied that the word *path* simply means "home" or "homeland" and Shilluk refer to *path* rather than "Shilluk-land". The word *lwak* has the same relativity as the Maori word *ring* and the Dinka word *wut*.

[4] There have, of course, been changes of boundaries and positions of factors and factor characteristics of any exploratory society. The nature of the terrain in Shilluk country, however, precludes any great change. The limitations of high ground, with clear cut boundaries on boundaries, together with [illegible] economic interests, tend to stabilize [illegible] societies.

[5] This is a significant fact and may afford [illegible] much light on the true nature of the Shilluk *path*. Where we compare other Nilotic tribes we find that age-set nomenclature is common to the whole tribe, but does not extend beyond tribal boundaries (Nuer), or, like the Shilluk, is limited to smaller segments of society (Dinka, Dinka).

[6] Lineages of the *dwonh* are referred to by the name of the *reth*, *ajwogh* (son of a *reth*), or successive generations of a *reth* who founded them. Thus *dwonh Fadiet*, *dwonh Adong*, &c. Similarly, *bang reth* are distinguished as *bang reth Fadiet*, *bang reth Adong*, &c.

11: Oyler M-5 (ca. 1918)1919 F323 Shilluk F323

are hazy as to the powers which animate the different clowns, but they have no doubt as to the power of the people who make the claims. 754

The Shilluks believe firmly in the power of the evil eye. A few claim that the people who cast the evil eye belong to the evil medicine men, and receive their power from them, but the people are almost unanimous in saying that they have their power separately, and they think that it comes from God. The fact that the power is inherited tends to prove that they are really a separate class.

When one person in a family has the evil eye, the house is spoken of as the house or family with the evil eye, though all the members of the family may not have that power. A man may have this power, and his wife be all right, or it may be the wife that is affected, but in every case all their children are affected, though the unaffected husband may have untainted children by another wife. This taint is carried by their descendants, and theoretically at least is supposed to extend to the end of time. 754 827

A girl who has the power of the evil eye is not sought in marriage, and while the man affected in this manner is not desirable as a husband, yet he does not have so much trouble in getting a wife. This is not because they differentiate between the sexes, but because a man pays a heavy dowry for his wife, and he does not want to buy a tainted wife, whose children will also bear the taint of a hidden power. If the affected man has the price, the father is very often willing to accept him for a son-in-law, and that is especially true, when the daughter is not very desirable. As a rule the people with the evil eye try to keep their neighbours ignorant of their powers. 822 754 [583]

In addition to those who inherit the evil eye, others suddenly receive the power. It suddenly falls upon them, or comes on them. They know not how it comes, but suddenly they find themselves with that dread power. 754

A person possessed of the evil eye can not always be distinguished. The fact that a certain person has that power is known in his own village, and the stranger coming in soon requires about it, and is told. However one mark can be relied on to some extent, and that is if a person has eyes in which the whites are small, and the iris is large in proportion, and the iris is very dark. This test is not sure as some people of the class do not have this mark, and others, who do not have the power have the mark. 754 [826]

17: Pumphrey G-5 (1934-1938) 1941
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that under which the deceased held them. For example if a man dies leaving four sons, two married and two unmarried, the two unmarried sons will join the *gol* of their eldest married brother, who thereupon becomes to them *in loco parentis* and their *gol* leader. With this addition to his *gol* the eldest married brother will take also the cattle which used to belong to the deceased, his father, but he will hold them "on trust" for the marriage of these two brothers. 428 582

THE MARRIAGE TIE.

Marriage marks the assumption of personal responsibility, signified outwardly by the acquisition of a homestead. A man wishes to marry as many wives as he can because, although a man with one wife is a full member of society, he who has three or four (more being unusual outside the *Kwar Reth*), is a man of substance and power. This is because his *gol* will become large and powerful and in a position to dominate in its locality. Where an appeal to the spear is an ever present possibility there is definite strength in numbers. There is no place in society for bachelors or spinsters of mature age, and in fact with the exception of *Reth's* daughters and the mentally deficient they hardly exist. Women outnumber men, so that polygyny is reasonable and almost necessary. 581 [586] [589] [162]

The marriage tie creates an obligation to pay cattle, but it is not created by or dependent upon such payment. To render a union a marriage only two things are essential. First there must be no positive barrier, (such as known consanguinity between the parties, whether through male or female lines of descent) and secondly there must be an offer and an acceptance. The offer and acceptance are symbolised by the man offering to the women's *gol* a sheep (*dyal dhak*). Acceptance of this sheep signifies acceptance of the suitor. The marriage is then complete. There follows the beer brewing (*bieng magko*) and a wedding dance which is held in the woman's village and which serves the important purpose of fixing the marriage in the minds of the public. The completion of the cattle payments (*kwey*) may be delayed over a period of years, and until they are complete the woman usually continues to live in her own homestead where her husband may visit 585 [582] [583] 161 583 591

17: Pumphrey G-5 (1934-1938) 1941
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since family disruption. It is therefore to be avoided if possible, and it is to this end that most of the marriage customs exist.

Freedom of choice is generally allowed to both sexes. Only when cattle are urgently required does a father sometimes marry off his daughter under age, probably to a Dinka who will usually be willing to pay ten head of cattle since his own dowry payment is much larger. The usual procedure is for the girl first to be asked by her admirer whether she will marry him. If she agrees, she will then tell her *gol* leader of the proposal. This may be the first intimation her family has, and there will be a hasty consideration of prospects. If the husband is acceptable he will be told to bring a sheep (the *dyal dhak*). At once he will don his finery, as also will the best man,[81] and the pair will proffer the sheep. If it is accepted the wedding dance will follow closely and the cattle will be brought thereafter by the best man as circumstances permit. If they are readily available about eight will be brought soon after the wedding dance and the remaining two will remain over until a final dance (*nogko thiok*) has been held in the bride's village. At this dance neither the bride nor the bridegroom dance. The bridegroom sits in a house apart with the best man and the bride remains with her family. It is said that sometimes the bridegroom "calls out" the bride, in which case the best man dances with the bride and the bridegroom with the bridesmaid[82]. The bride's maid is a girl friend of the bride who acts as go-between in the frequent elopements which occur after the acceptance of the sheep and before the final dance. Such elopements are regarded lightly by the bride's *gol* who are usually pacified by the present of another sheep, but who nevertheless retrieve their daughter if they can.

S84

The best man is the bridegroom's friend who often accompanies him on a journey to spy out the land for a suitable wife and who, as already mentioned, goes with him to proffer the sheep. Once the sheep is accepted the wife's *gol* appoint also their *jal kwog* and it is through these intermediaries that all haggling over cattle is conducted.

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81. *Jal kwog*, meaning literally "man of the spear."

82. *Nya dhay kwog*, meaning literally "young woman of the spear."

17: Pumphrey G-5 (1934-1938) 1941
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607 husband will not speak to his *ore* and if he meets them on the road will step hurriedly off the roadway and allow them to pass.

SEX TABOOS.

607 643 835 The *ore* tie in the wider of the two senses above described, is of practical importance only in connexion with certain sex taboos breach of which is visited by *dwale* sickness. In what follows the word *pur* (*or pu*) must be taken to mean a lineage (*i.e.*, a detachment of a clan within a settlement). The expression *pu ore* thus means a *pur* which is *ore* to the speaker's *pur*. Since the speaker's *pur* will not all have married into one and the same *pur* it follows that it will have several of these. Thus in the diagram:—

582 836 613 607 If there has been intermarriage between A on the one hand and X, Y and Z on the other, then X, Y and Z are all *ore* to A, A being reciprocally *ore* to X, Y and Z. If men of A have married women from X, Y and Z, no men of X, Y or Z may marry women from A. To have other than "one-way traffic" would hopelessly confuse the issues.

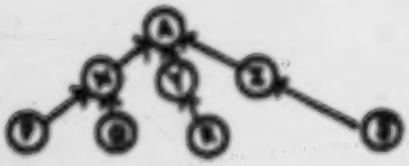
[illegible] enlarged sense of the word defined above) there may average fifty married men, the number of *pur* which are *ore* would be nearly as numerous. In fact this is not the case because each *pur* develops a tendency to marry women from another particular *pur*[1]. This tendency is nothing more than a traditional convention with which it is not

[1] For example it is the tendency of the youths of Pakwoma to marry girls of Ameberang

compulsory to comply. It will be seen later that it lessens the possibility of *dwale*. 582 835 613 607

Dwale[gg]

In this diagram :—



X, Y and Z are, as before, *ore* of A (men of A having married women from them). X have married women from P and Q; Y have married women from R; and Z have married women from S. The entire membership of P, Q, R and S stands to *gor* A as *myer mun ore*," that is to say *myer ore* of the *myer ore* of A (or "village of the wives of the *ore* of A," an exact translation of "*myer mun ore* A"). To have sexual relations with a woman of a village which is thus *ore* of the second degree (*go mun ore*) is to break a taboo and incur the supernatural sanction of *dwale* sickness.

The same sickness is said to be produced by incest or by a man having relations with a woman to whom he is related; but it seems that the most grievous form is that incurred in the manner described. It will appear complicated but to the Shilluk it is a simple conception. Nothing is more important than to avoid friction with one's *go ore* and nothing is better calculated to produce it than the seduction of a *go mun ore* girl. This may require explanation. As already said 582 582 607 613 835

gg. *Dwale* is a form of sickness which from a description of the symptoms would appear to resemble dysury. Both the woman concerned and her child are affected, and it is believed that they will die unless the man who has ordered her to commit incest of the taboo strikes a prophylactic partition by spitting a gourd, hitting a sheep and putting the stomach contents on legs of the guard in the road-way, " so that the people passing-by may carry away the *dwale*."

gg. *Myer* is the plural of *gor*.

17: Pumphrey G-5 (1934-1938) 1941
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there develops a tendency for *jwe* A (to refer again to the diagram above) to marry women of *jwe* X. Men of *jwe* A will therefore have ready access to the unmarried girls of *jwe* X, as, similarly, will men of *jwe* X have ready access to the unmarried girls of their *jwe ova*, P. Now if a man of *jwe* A seduces a girl of *jwe* P it naturally annoys the men of *jwe* X who regard *jwe* P girls as in some sense their prerogative.

Dwalo is thus a good example of a religious sanction harnessed to the service of social expediency. Without doubt, although no Shilluk volunteered the explanation, the *dwalo* taboo has developed from the consciousness that seduction must be rigorously discouraged where it would imperil good relations between *ova*.

DIVORCE.

The verb *tang* is used for the breaking of a marriage, whether owing to the death of the wife or to her refusal to live with her husband. Cases where the wife dies are naturally less acrimonious than those of the other kind and will be considered first.

Where a marriage is terminated by the death of the wife, her *gol* must either present to the husband an unmarried sister as *kwi ot*,[1] or they must return the cattle (or their equivalent in similar animals) making deductions for children born of the marriage and living at the time of their mother's death. These deductions are generally at the rate of two head for each son and five for each daughter, the children of course going to their father. Thus a husband who has paid the full bride wealth of ten head and has a son and a daughter alive and born of the marriage can reclaim only three head of cattle.

Cases resulting from the refusal of the wife to cohabit with her husband may be more properly described as cases of divorce. Divorce in this sense results not from any act of the parties but from a state of affairs judicially recognized as warranting the return to the husband of the bride wealth, with or without suitable deductions for children born. Deductions are usually made, but if it is held that the behaviour of the wife has been particularly blame-worthy the husband is sometimes

[1] Literally "substitute of the house."

17: Pumphrey G-5 (1934-1938) 1941
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married and living with him. It varies from four head of cattle to one bull, its different types being :—

Kuor yac ee dhano	— for making pregnant the wife of another	4 head of cattle
Kuor yac nine a jur	— for making pregnant an unmarried girl (or one who, although married, is still living with her own *gol*)	3 head of cattle
Kuor kuoke ee dhano	— for having relations with a married woman without resulting pregnancy	2 head of cattle
Kuor kuoke nine a jur	— for having relations with an unmarried girl without resulting pregnancy (or with one who, although married, is still living with her own *gol*)	1 head of cattle

Provided the appropriate payment is promptly made these cases produce little ill feeling. No *kuor* is payable where a man has relations with the wife of his brother or of his father (other, of course, than his own mother). In fact little resentment is felt in such cases, especially if the offender is unmarried, the realistic view prevailing that it is better so than that he should incur cattle payments by exploits elsewhere.

Sexual offences are seldom disputed. Those resulting in pregnancy come to light inevitably, for the girl will be questioned and will reply truthfully; nor will a man thus named ever deny. Cases not resulting in pregnancy come to light only when the woman, whether after marriage or before, is giving birth to a child. Shilluk mothers think that their labour is facilitated if they name to the attendant midwife every man with whom they have had relations. News is brought to her family of the names uttered and the woman's *gol* hasten to claim the requisite *kuor* from every man named. Sometimes as many as five bulls are [illegible] claimed from five separate men, but sometimes when the [illegible] names are named the girls' *gol* are ashamed and do not claim at all. Although women who go to live in the towns often become prostitutes there is no prostitution in tribal life. Since the marriage age for men is on the average as high as twenty-eight extra marital relations are not uncommon.

Children born outside marriage may be taken on by the man who eventually marries their mother. If so then he is made to pay extra for them at the rate of five head of cattle for a daughter and two for a son.

19: Howell & Thomson E, G-5 (1943-1944)1946
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they perform in connection with the *reth*. They are a distinct clan. 565 614 [644]

(iii) The Colo—the name refers collectively to the main body of Shilluk clans (*kwa*), of which there are a large number — trace descent patrilineally from (a) the original followers of Nyikang, (b) those individuals of other tribes who have migrated and settled in Shilluk country from early times onwards and (c) those who are lost in antiquity, but who may have been the people who occupied Shilluk country before the arrival of Nyikang: their traditions certainly confirm this

(iv) The Bang Reth, the personal attendants of the *reth*, his wives or wives of the past *reths*, which are in many case inherited by the successor, and the descendants of the royal slaves obtained by capture from those who volunteer to serve the *reth* by reason of their possession by the spirit of Nyikang, or paupers who volunteer to serve him in order to exist at all, and those persons who were enslaved because their brothers committed homicide 565 567 644

There is no real caste distinction between the Kwareth and Colo. However the Kwareth are themselves a patrilineal clan and therefore exogamous, and there is no mutual ban on marriage between them and the main body of the people, except in the case of the *reth*'s daughters, who are not allowed to marry at all. The Kwareth, however by reason of their connection with Nyikang and previous *reths* are treated with special respect. 565 614 644 [582]

The Shilluk have less cattle than their Nuer and Dinka neighbours and being predominantly sedentary rely more upon agricultural products. Apart from cultivation—almost entirely millet—and the milk and meat from their cattle, the Shilluk supplement their diet with fish and they have the reputation among other tribes of being exceptionally skilled fishermen. Except for the more permanent territorial basis of their settlements, the basic social structure is very 105

27: Munro U-5 (1918) 1918 FJ23 Shilluk FJ23

126 Unfortunately I was unable to stay longer, and as the actual religious ceremonies had been safely completed, I asked Yuzbashi Hussein Farag, Mamur Kodok, to return to Fashoda on the 20th and take note of any further ceremonies. The following information is from notes given to me
643 by him: «Apparently the Ret went up to his palace from the «temporary hut» during the night of the 19th. On the 20th in the morning the Ret left his palace accompanied by a large crowd. He was dressed in a game skin, and with him was the sacred stool. His escort were holding the shield. Nyakang also left his shrine escorted by a great company of people. Then
94 there occurred the mock battle with dura stalks[1]. When the two armies meet, the Ret's people as though frightened of the people of Nyakang, ran towards the palace. The young girl of Kwa Okel on this day was with Nyakang's people, and when the «battle» was joined, the Ret seized her and carried her off to his palace.

778 «Nyakang then returned to the Shrine, where he is said to remain till the rainy season. Four persons are left as his escort.

«The Ret is said to stay another three days in his palace and then come
538 out and meet his chiefs. Every orator speaks in his turn and before talking puts his spear on the ground. If his speech sounds good to the people, the drum is beaten as a token of applause. The spears laid down become
422 the property of the Ret. The young girl stays with the Ret till she grows
582 up, and the Ret can then wed her to any Shilluk he pleases.»

P. Munro.

Malakal, February 1918.

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114 [1] Seligman (p. 206) states the mock battle occurs at the khor before the ceremony. No dura stalks were used on the 19th at the time of the mock fight [illegible] would appear to be one of those instances in which different installations vary.

29:Dempsey M-5 (1940-1954) 1955
FJ23 Shilluk FJ23

565 563 term applies only to the descendants of the original companions of Nyikang, but in practice it embraces the whole of the common people and includes those who were probably in possession of the land before the coming of the Shilluk and who were conquered and absorbed into the tribe, and individuals of other tribes who, whatever their origin, have come into the country and settled there, eventually merging with the people.

565 644 [567] The last class is that of the Bang Reth, the servants of the king. This group is made up of the king's personal attendants, his wives and the wives of former kings, and the descendants of former royal slaves. It includes also those who have taken up special service with the king because of their reverence for his sacred office as Vicar of Nyikang, those who by reason of their utter destitution have been driven to accept the yoke of bondage to the king that they might share the bounty of the royal table, and those who [567] [681] have been enslaved on account of a crime committed by some member of their family who himself has escaped the king's justice.

565 582 Marriage is permitted between the Kwareth and members of the other three classes with certain exceptions. Thus, for example, a Kwareth may marry into the Bareth, but he may not wed the former wife of a king, or the widow of a king. The daughters of a king may not marry at all; since in theory all the cattle in the land belong to the king, no one can offer him a dowry, and so his daughters must go unmarried. In 644 565 582 marriage the great rule of exogamy, that is marriage outside the clan, must be observed. Now the Kwareth form only one clan, as also do the Ororo, but the Colo and the Bang Reth are divided into several clans. A member of the Kwareth class may not therefore marry another Kwareth, or a member of the Ororo another of the same class, but members of the Colo and the Bareth may marry into other clans of the Colo and Bareth.